

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3423 OF 2004

1. Mallappa Ashappa Palvencha ..Petitioner
Vs.
1. Bhimshankar Iranna Upalap and anr. ..Respondents
Mr. R.G. Vaidya for petitioner.
Mr. Tejash Deshmukh for respondent no.1.

CORAM: B.H. MARLAPALLE, J.

Date : April 05, 2007.

P.C.:

. Subsequent to the order passed by this court on 19/4/2004 recording an opinion that there was no case made out to interfere with the concurrent findings recorded by both the courts below, Mr. Vaidya the learned counsel tried to seek instructions for the consideration of the reasonable period to be granted to the petitioner to vacate the suit premises and now he has received instructions that the petitioner is no more. The decree of eviction was passed by the trial court on the ground that the petitioner (defendant no.2) having purchased alternative accommodation comprising of four rooms within the Municipal limits of Solapur City and

default in payment of rent for more than six months. In addition, it has been recorded that the plaintiff - landlord was a member of the Arm Forces.

. On all these counts nothing further survives in this petition and there is no reason to cause interference in the concurrent views recorded by both the courts below and more so in view of the observations made in the order dated 19/4/2004 by this court.

. Petition is rejected summarily.

(B.H. Marlapalle, J.)